**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ESTEBAN LUIS GUARDIOLA,	)	
	)	
Plaintiff,	)	**8:05cv340**
	)	
vs.	)	
	)	
	)	**ORDER to SHOW CAUSE**
METROPOLITAN UTILITIES	)	**(Service of Process)**
DISTRICT,	)	
	)	
Defendant.	)	

This matter is before the court sua sponte. Fed. R. Civ. P. 4(m) establishes the

following time limit for service of process on the defendants in a civil case:

> (m) Time Limit for Service. If service of the summons and complaint is not
> made upon a defendant within 120 days after the filing of the complaint, the
> court, upon motion or on its own initiative after notice to the plaintiff, shall
> dismiss the action without prejudice as to that defendant or direct that service
> be effected within a specified time; provided that if the plaintiff shows good
> cause for the failure, the court shall extend the time for service for an
> appropriate period. This subdivision does not apply to service in a foreign
> country pursuant to subdivision (f) or (j)(1).

The deadline for service of process has expired and the court's records show that

the plaintiff did not return the summons forms to the court allowing timely service of process

by the U.S. Marshal on the plaintiff's behalf. The plaintiff was warned that failure to obtain

timely service on the defendants could result in dismissal of this matter, without prejudice.

THEREFORE, IT IS ORDERED:

1.   That by, December 16, 2005 the plaintiff shall file a pleading[1] entitled

Response to Order to Show Cause explaining any reason the plaintiff may have why the

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[1]Any pleading filed with the court may be handwritten, if legible.

above-entitled case should not be dismissed without prejudice for failure to obtain timely service of process on any defendant; and

2.   That in the absence of a timely and sufficient Response to Order to Show Cause, this case may be subject, without further notice, to dismissal without prejudice pursuant to Fed. R. Civ. P. 4(m) by District Judge Joseph F. Bataillon.

DATED this 18th day of November 2005.

BY THE COURT:

s/ F. A. GOSSETT
United States Magistrate Judge